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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,948	07/14/2003	William B. Hendershot	HEND-200	6428
7590 02/07/2005			EXAMINER	
Stallman & Pollock LLP 353 Sacramento Street, Suite 2200 San Francisco, CA 94111			NGUYEN, HOANG M	
			ART UNIT	PAPER NUMBER
			3748	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,948

Applicant(s)

HENDERSHOT, WILLIAM B. ed

Examiner

Hoang M Nguyen

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's amendment dated January 10, 2005, has been fully considered.

Applicant has argued Acheson et al does not disclose the concept of removing the oil shale in bulk form. Even though the Examiner disagrees, the 102 rejection has been withdrawn in favor of a strong 103 rejection as follows.

Acheson et al is still used as a primary reference that discloses everything including the step of driving a steam power plant, except for the specific step of removing oil shale in bulk form. US 4577908 (McKee et al), a reference already in record, discloses the step of removing oil shale in bulk form then put inside a retort chamber, this chamber is also considered a combustion chamber because supplemental fuel gas, such as natural gas, and air, as indicated at 365 and 36, are passed through conduit 34 into retort chamber 30, the gas is ignited. It would have been obvious to provide a retort chamber acting as a combustion chamber in Acheson et al as taught by McKee et al for the purpose of more effectively generating energy.

This Action has been made non final because it's a RCE.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 11-21, are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. 4472935 (Acheson et al) in view of US 4577908 (McKee et al).

Acheson et al discloses a power plant using oil shale comprising a combustor 38, 34, 46, for combusting oil shale; an auxiliary fuel source 55 for supplying fuel into the combustor, the output is used to drive a steam turbine power plant 88. Acheson et al does not disclose the specific step of removing oil shale in bulk form and put inside a combustion chamber. US 4577908 (McKee et al), a reference already in record, discloses the step of removing oil shale in bulk form then put inside a retort chamber, this chamber is also considered a combustion chamber because supplemental fuel gas, such as natural gas, and air, as indicated at 35 and 36, are passed through conduit 34 into retort chamber 30, the gas is ignited. It would have been obvious to provide a retort chamber acting as a combustion chamber in Acheson et al as taught by McKee et al for the purpose of more effectively generating energy. Regarding claims 11-18, Acheson discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose different types of fuels and heat input for the preheater. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use different types of fuels, and to use the exhaust for preheaters in Acheson et al for the purpose of achieving appropriate work output based on different types of fuel characteristics.

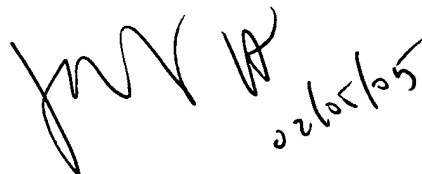
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Claims 8-10, 22-23, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4472935 (Acheson et al) in view of McKee et al and further in view of U.S. 4193259 (Muenger et al). Acheson as modified by McKee et al discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the heat input using solar refractor. Muenger is relied upon to disclose it's well known to use solar refractor for heating the working fluid. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use solar refractor as the heat input for preheating the fluid in Acheson et al as taught by Muenger et al for the purpose of saving energy by using solar energy.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion, can be reached on (571)-272-4859. The fax phone number for the Examiner is (703) 872-9302 for regular communication, and (703) 872-9303 for after final communication.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700.



HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
2/5/05